

AFFIDAVIT

STATE OF TEXAS §
 §
COUNTY OF HARRIS §

On this day, Michael E. Sawyer, appeared before me, the undersigned notary public, and after I administered an oath to him, upon his oath, he said:

1. "My name is Michael E. Sawyer, P.E., CSP. I am over the age of eighteen (18), under no legal or mental disability, and I am legally capable of making this affidavit.
2. I am a licensed Professional Engineer. I have extensive experience in process safety engineering and maintain a CSP (Certified Safety Professional) designation in system safety aspects.
3. I was retained by Plaintiffs in this case and asked to provide opinions on the process safety aspects surrounding the April 26, 2014 fire and explosion at the Georgia Pacific Plant in Corrigan Texas.
4. The document attached as Exhibit A to this affidavit is a true and correct copy of my initial report in this case. My professional experience and a description of the documents, witness statements, and evidence provided for my review, which form the basis for my conclusions and opinions, are set out the attached report. The factual statements, opinions and conclusions set out in Exhibit A are true and correct based on my investigation of the witness statements, documents, and evidence provided for my review.
5. My work in this case has included an evaluation of the negligent acts and omissions of Defendant GreCon, including the work performed by GreCon and the Grecon spark detection/extinguishment system, which failed to prevent the explosion on April 26, 2014.
6. I dispute GreCon's allegation that its system "functioned properly". I specifically dispute GreCon's factual allegation numbers 19, 25, and 26.
7. My report identifies several specific defects in the GreCon spark detection/extinguishment system including GreCon's design defect in placing the first spark detect/extinguish zone over 200 feet away from the spark generating equipment, i.e., the sander. Likewise, my report identifies numerous negligent acts and omissions of GreCon, which like the design defect relating to improper location of the first spark detect/extinguish zone, are believed to be a proximate cause of the April 26, 2014 incident. The origin and cause report submitted by John Holocek P.E. addresses the origin and cause of this event in additional detail.



8. Design defects in GreCon's system and other negligent acts and omissions attributable to GreCon are set out in further detail in my report, Exhibit A, under the following sections:

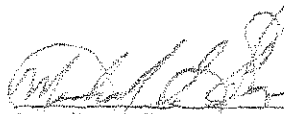
5.9.20 Sensors should be located in the duct as close as possible to the process

5.13 Failure to conduct a hazard analysis


Likewise, had GreCon conducted a hazard analysis for its spark detect/extinguishment system as required by the NFPA and recognized good engineering practices the missing data and design system failures identified in my report under sections 5.16.1 – 5.16.27 would have been identified.

9. It should also be noted that GreCon entered into a maintenance contract with Georgia Pacific under which GreCon technicians inspected, repaired, and maintained the GreCon system every 6 months over a period of several years. Despite having its technicians inspect the system every six months over a period of years, GreCon repeatedly signed off on the system and never informed Georgia Pacific that the first spark detection/extinguish zone was improperly located.
10. The deposition testimony of GreCon technicians who performed the inspections, Albert Mungin and Rick Pennington, demonstrates significant lack of training and understanding of basic safety concerns directly attributable to the defects in the GreCon system creating the circumstances that eventually led to the April 26, 2014 incident. See Exhibit A report Sections 5.20 – 5.20.13, 5.21, and 5.22.
11. GreCon's direct negligence, including but not limited to the obvious design defects of GreCon's system were a direct and proximate cause of the April 26, 2014 incident. See Exhibit A, conclusions sections 6.1, and 6.4 – 6.8

Further affiant sayeth not."


Michael E. Sawyer, P.E., CSP
Texas License No. 84526

SWORN TO and SUBSCRIBED before me by Michael E. Sawyer on March 31, 2017.


Notary Public in and for
State of Texas

